

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Development of Nationwide Broadband Data to	)	WC Docket No. 07-38
Evaluate Reasonable and Timely Deployment of	)	
Advanced Services to All Americans, Improvement	)	
Of Wireless Broadband Subscribership Data, and	)	
Development of Data on Interconnected Voice over	)	
Internet Protocol (VoIP) Subscribership	)	

**THE KENTUCKY PUBLIC SERVICE COMMISSION'S  
COMMENTS FOR SECTION IV (B)**

With the Federal Communications Commission's ("FCC") Report and Order and Further Notice of Proposed Rulemaking released June 12, 2008 in WC Docket No. 07-38, the FCC solicited comments on several proposals for expanding the collection of information regarding broadband deployment and initiating a national broadband mapping program. With this filing, the Kentucky Public Service Commission (hereinafter "Kentucky Commission") offers the following comments on the FCC's proposed rulemaking.

Legislative acts have restricted the authority of the Kentucky Commission, and other agencies of the Commonwealth, from considering issues related to the availability, rates and market entry for broadband services.<sup>1</sup> However, the Kentucky Legislature specifically preserved the Kentucky Commission's jurisdiction to investigate and resolve consumer complaints regarding broadband services.<sup>2</sup> To that end, the Kentucky

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<sup>1</sup> See Kentucky Revised Statute ("KRS") 278.5462(1).

<sup>2</sup> See KRS 278.5462(3).

Commission remains interested and engaged in consumer issues surrounding the availability of broadband services. Of particular importance to the Kentucky Commission is ensuring all Kentucky consumers experience the benefits of market-based competition in the provision of broadband services. As often recognized by public policy makers across the country, specific private business interests are not always consistent, or even compatible, with broader public interests. The Kentucky Commission believes a sound and honest public policy initiative to promote broadband deployment must anticipate and account for such discrepancies. In going forward with this national broadband mapping collection effort, which the Kentucky Commission supports, the Kentucky Commission petitions the FCC to remain diligent in keeping consumer interests at the forefront of this endeavor.

The ability to spatially visualize discrete information, such as what is offered by today's geographic information systems, is a valuable tool available to public policy makers. A properly prepared map can simplify complex datasets in a manner that even the most inexperienced and inexpert member of the public can comprehend and understand. But, like any tool, a mapping system, along with its underlying data, can be misused. The accuracy and reliability of any mapping system is a function of the accuracy and reliability of the underlying data. This is an axiom recognized by any successful data-centric endeavor. In order to have confidence in the information depicted by a mapping system, it is absolutely necessary to have confidence in the underlying data. The data must be readily verifiable and subject to independent scrutiny and analysis.

The FCC seeks comment on the adoption of a national broadband mapping program with the objective of creating a ‘highly detailed’ map of broadband availability nationwide including ways such a program can provide useful information to other broadband initiatives.<sup>3</sup> Such a system has inherent value. Having the ability to identify areas lacking broadband facilities can assist with focusing attention and resources where they are most needed. However, such a mapping system and, most importantly, the data it relies on, should be transparent and open for public review and analysis. Private interests often argue that detailed infrastructure information should be considered proprietary and protected from public disclosure. However, without the necessary transparency, the data can be easily misused or misconstrued to the detriment of the public interest being served. Merely labeling an initiative as a public-private partnership does not ensure impartiality. There must be real and adequate oversight that permits interested and vested parties to see the entire model and the underlying data, not just a map of surface features.

Once the FCC determines the level of detail required for a national broadband mapping program, the collection and distilling of the broadband providers’ data will

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<sup>3</sup> See *In the Matter of Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership*, WC Docket No. 07-38, Report and Order and Further Notice of Proposed Rulemaking, FCC 08-89 (rel. June 12, 2008) (*Form 477 Order and FNPRM*) at ¶ 34.

become the major challenge. It is at this stage where the greatest potential for confusion and the greatest potential for obfuscation exist. The Kentucky Commission recommends the implementation of independent measures to verify that the supplied data is valid for the intended purpose and that the information accurately represents the availability of broadband services. Otherwise, the program will be a costly exercise in futility and will be unable to support a national information resource that can be relied upon with confidence. A “checks and balances” verification system would best be accomplished by permitting full public disclosure of the supplied data where the information can be scrutinized at its most granular level – by national, state and local government agencies, as well as by private organizations and businesses. Full public disclosure will alleviate, in part, future concerns as to the amount of confidence that consumers, businesses and government agencies should place in a mapping project of this magnitude and influence. It will also stimulate competition in the deployment of broadband resources. In short, full public disclosure and the clear opportunity for comment on the data submitted to a national system will adequately satisfy concerns on reliability of the information ultimately provided through this resource.

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DATE

s/ Amy E. Dougherty  
Amy E. Dougherty  
David S. Samford  
Tiffany J. Bowman  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602

*Counsel for the Kentucky Public Service Commission*